

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHINDA NOMESIRI,

Plaintiff,

v.

U.S. DEPT. OF EDUCATION,

Defendant.

No. 2:20-cv-1440-TLN-KJN PS

ORDER TO SHOW CAUSE

On January 15, 2021, the court entered a scheduling order, as stipulated by the parties, with deadlines for this case's proceedings. (ECF No. 12.) Under this order, plaintiff was to file a motion for summary judgment on the administrative record by April 9, 2021. (*Id.*) The parties were warned that any failure to follow the deadlines "may result in the imposition of monetary and all other appropriate sanctions, including dismissal or an order of judgment." (*Id.* at 1.) The April 9 deadline has passed, and the docket shows plaintiff failed to file the summary judgment motion or otherwise request more time to do so.

The court has considered whether this action should be dismissed at this juncture due to plaintiff's failure. However, in light of plaintiff's pro se status and the court's desire to resolve the action on the merits, this order to show cause issues instead.

Accordingly, IT IS ORDERED that:


1. Within 14 days of the date of this order, plaintiff shall show cause in writing why

1 this action should not be dismissed with prejudice pursuant to Federal Rule of
2 Civil Procedure 41(b) due to plaintiff's failure to comply with the court's
3 scheduling order and failure to prosecute this case. Plaintiff may show cause
4 either by:

- 5 a. Filing a motion for summary judgment;
 - 6 b. Indicating why the deadline was missed, alongside proposing new
7 deadlines (should plaintiff choose this option, the new deadlines must be
8 agreed upon by both plaintiff and defendant—thus requiring plaintiff to
9 contact defense counsel to confer on new deadlines); or
 - 10 c. Filing a notice of voluntary dismissal under Rule 41(a)(1)(A).
- 11 2. Failure to timely comply with the terms of this order will result in a
12 recommendation that this action be dismissed with prejudice pursuant to Federal
13 Rule of Civil Procedure 41(b); and
- 14 3. The Clerk of Court is directed to serve a copy of the court's January 15, 2021
15 order (ECF No. 12) on plaintiff.

16 Dated: April 15, 2021

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18 nome.1440


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE